IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

JOE ANTHONY RODRIGUEZ, #1817661 §

VS. § CIVIL ACTION NO. 6:16cv151

TDCJ, ET AL. §

MEMORANDUM OPINION ADOPTING THE REPORT OF THE UNITED STATES MAGISTRATE JUDGE

Plaintiff Joe Rodriguez, an inmate formerly confined in the Texas prison system, proceeding *pro se*, filed this above-styled civil rights lawsuit. The cause of action was referred to the United States Magistrate Judge, the Honorable K. Nicole Mitchell, for findings of fact, conclusions of law, and recommendations for the disposition of the case.

On August 3, 2016, Judge Mitchell issued a Report, (Dkt. #3), recommending that Plaintiff's complaint be dismissed, without prejudice, for want of prosecution and the failure to obey an order of the Court. A copy of this Report was sent to Plaintiff at his provided address. However, to date, no objections to the Report have been filed. The Court notes that Plaintiff has not communicated with the Court since March 2016, when he filed his complaint.

Because Plaintiff has failed to file objections to Judge Mitchell's Report, he is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. *Douglass v. United Services Auto. Association*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge.

Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. *See*

United States v. Wilson, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243 (1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law."). Accordingly, it is

ORDERED that the Report of the United States Magistrate Judge, (Dkt. #3), is **ADOPTED** as the opinion of the Court. Further, it is

ORDERED that Plaintiff's civil rights lawsuit is **DISMISSED** without prejudice for want of prosecution and failure to obey an order. Finally, it is

ORDERED that any motions which may be pending in this civil action are hereby **DENIED**.

So ORDERED and SIGNED February 22, 2019.

Ron Clark, Senior District Judge

Pm Clark